

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 513 of 1995

in

SPECIAL CIVIL APPLICATION No 10093 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ANIL G BARVE

Versus

GENERAL MANAGER (OPERATION) DISCIPLINARY AUTHORITY

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Appearance:

MR BG JANI for Appellant

M/S TRIVEDI & GUPTA for Respondent No. 1

NOTICE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

Date of decision: 11/02/99

ORAL JUDGEMENT

This appeal is preferred against the order dated 17.2.1993 passed by learned Single Judge in Special Civil Application No. 10093 of 1994.

2. The appellant, an officer in State Bank of India, [for brevity, Bank, hereinafter] was charge-sheeted under Rule 50 (2) (iii) of the State Bank of India (Supervising Staff) Service Rules, [for brevity, Rules, hereinafter] vide charge sheet No. DPD/551 dated 28.11.1991 for alleged acts of serious misconduct while he was working as an officer at Vapi Industrial Township Branch of the Bank. The charges levelled against the appellant were: (i). Perpetration of fraud on the customers' accounts; (ii). Misusing official position for personal gain, and, (iii). Acting in a way prejudicial to the interests of the Bank. After following the procedure as contemplated under the Rules, the Inquiry Officer held that the appellant is guilty of the charges framed against him. Ultimately, an order of removal from service was passed by the competent authority.

3. The appointing authority held that the charges are established and are of very grave nature; The appellant, by his acts of misconduct not only betrayed the trust reposed in him by the Bank but also the trust reposed in him by the customer by virtue of being a responsible officer of the Bank; The amount of Rs.40,000/- defalcated by the appellant has been made good by the Bank to the complainant and the appellant has not made good this amount either to the customer or to the Bank; This has not only caused damage to the Bank's image but the Bank has also suffered a monetary loss. The appointing authority also perused the service records of the appellant. In the recent past a major penalty of reduction in time scale to the starting scale in the grade was also imposed on him for certain other acts. Considering all these facts, the appointing authority concurred with the views of the disciplinary authority and held that imposition of the severest penalty of dismissal is warranted. The appointing authority thus concluded that the ends of justice will be met by imposing on the appellant penalty of removal from service in terms of the Rules.

4. Against this order, the appellant preferred an appeal. The appellate authority dismissed the appeal. The appellant challenged the order by filing Special Civil Application. Learned Single Judge hearing the Special Civil Application, after hearing learned advocates and after appreciating the submissions made on behalf of the appellant that the punishment imposed is disproportionate to the charges levelled against the appellant, dismissed the writ petition. Considering the relations of a Bank and its employees, it is necessary

that the Bank must have full trust in the staff. Banking system, as a matter of fact, is a system of trust and if an officer, by misconduct of any nature such as the one involved in this case, has betrayed the trust reposed in him, it cannot be said that the punishment is excessive or dis-proportionate. Learned Single Judge, after considering the misconduct committed by the appellant, charge sheet and the orders passed by the competent authorities, was of the opinion that the punishment awarded cannot be said to be dis-proportionate to the gravity of the alleged misconduct.

5. We have heard the learned advocate for the appellant at length. Looking to the facts and circumstances of this case, we would not like to interfere with the order passed by the learned Single Judge. The appeal is dismissed. No order as to costs.  
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